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DATE December 21, 2005
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COMPANY United States Patent and Trademark Office
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FROM Brian C. Meadows, Esq.
REFERENCE NO. 03234.0022U1
OUR FAX NUMBER 678-420-9301
NUMBER OF PAGES 4 (including fax cover sheet)

Transmitted herewith are:

1. Election Under Restriction Requirement
2. Certificate of Facsimile Transmission under 37 C.F.R. § 1.8

In Re: U.S. Patent Application No. 10/647,048 of Kennedy *et al.*
**TITLE: "CARBON BLACKS HAVING IMPROVED COLLOIDAL
AND MORPHOLOGICAL PROPERTIES, METHODS FOR
MANUFACTURE, AND USES THEREOF"**

ATTY. DOCKET NO. 03234.0022U1

Filing Date: August 22, 2003

ATTY/SEC.: MAK/BCM:odw

CONFIDENTIALITY NOTE

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DEC 21 2005

ATTORNEY DOCKET NO. 03234.0022U1
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Kennedy <i>et al.</i>)	Art Unit: 1754
)	
Application No. 10/647,048)	Examiner: Stadler, Rebecca M.
)	
Filing Date: August 22, 2003)	Confirmation No. 1560
)	
For: "CARBON BLACKS HAVING)	
IMPROVED COLLOIDAL AND)	
MORPHOLOGICAL PROPERTIES,)	
METHODS FOR MANUFACTURE,)	
AND USES THEREOF")	

ELECTION UNDER RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C
Customer No. 23859

Sir:

This paper is submitted in response to the Office Action mailed on November 29, 2005, in which a Restriction Requirement has been made.

The Examiner requires the Applicants to elect a single invention for prosecution on the merits from one of two patentably distinct inventions believed by the Examiner to be present in the application. The Examiner contends that these two patentably distinct inventions are those of:

- I. Claims 1-22 and 39-50, drawn to a product, classified in class 423, subclass 449.1; and

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SERIAL NO. 10/647,048**

II. Claims 22-38, drawn to a process, classified in class 423,
subclass 450;

The Applicants hereby provisionally elect Invention I, as set forth in claims 1-22 and 39-50, with traverse.

The Applicants respectfully request that the restriction requirement be reconsidered as it is not shown in the Office Action that a serious burden would be required to examine the pending claims of Inventions I and II, respectively, in the instant patent application. Specifically, M.P.E.P § 803 provides:

If the search and examination of an application can be made without serious burden, the Examiner *must* examine it on the merits, even though it includes claims to distinct or independent inventions. (*Emphasis supplied.*)

Thus, for a restriction requirement to be proper, the following two criteria must be satisfied: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that the search and examination of the entire application cannot be made without serious burden in the matter. *See* M.P.E.P § 803.

The Office Action has at least not shown that the second requirement has been met. Specifically, it has not been shown that it would be a serious burden to search and examine all of the claims of Groups I and II together. Consequently, reconsideration and modification or withdrawal of the restriction requirement to this extent is respectfully requested.

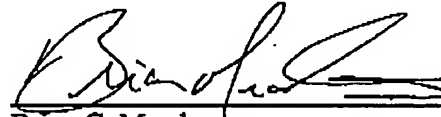
Should the Examiner have any questions regarding the Applicants' response to the Restriction Requirement, or which may advance the efficient prosecution of the application, the Examiner is courteously invited to contact the undersigned at the telephone number and address listed below.

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No fee is believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



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Registration No. 50,848

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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, including any items indicated as attached or included is being transmitted via Facsimile No. 571-273-8300 to Examiner Stadler, Rebecca M., Group Art Unit 1754, Mail Stop Amendment, U.S. Patent and Trademark Office, on the date shown below.



Brian C. Meadows

12-21-2005
Date